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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,174	09/14/2006	Tomomichi Chigusa	8957-000006/US/NP	7729
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EXAMINER				
PUROL, DAVID M				
ART UNIT		PAPER NUMBER		
3634				
MAIL DATE		DELIVERY MODE		
05/11/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,174

Applicant(s)

CHIGUSA, TOMOMICHI

Examiner

David M. Puroi

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 13 and 14 is/are allowed.
6) ☒ Claim(s) 1-3, 6, 11 and 12 is/are rejected.
7) ☒ Claim(s) 4, 5 and 7-10 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date 04232009
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

2. The information disclosure statement filed 04232009 fails to comply with 37 CFR 1.98(a)(3) because the listed references are not in the English language and therefore the applicant is required to provide a concise explanation of the relevance clearly identifying the structural aspects of the each listed reference which discloses the claimed limitations.

The applicant is required to provide a copy of the translation if a written English-language translation of a non-English language document, is within the possession, custody, or control of, or is *available* to the applicant.

The information disclosure statement filed 04232009 has been placed in the application file, but the information referred to therein has not been considered.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,6,11,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (U.S. Patent No. 6,012,506) in view of Ciuca et al (U.S. Patent No. 6,330,899).

Wang et al discloses a solar radiation shielding apparatus comprising a rotatable winding pulley 42A,42B, a lifting cord 30a,30B, a solar radiation shielding member 22, a rotatable driving shaft 41A, and a friction adjuster 50,51,52 having selectively engaging protrusions 511,521 which responds to the claimed cam mechanism having a stop engageable with a supporting member. While Wang et al do not disclose the use of an obstacle detector frictionally engaging the winding pulley, Ciuca et al disclose a solar radiation shielding apparatus comprising an obstacle detector 80 frictionally engaging a winding pulley 72, wherein, to incorporate this teaching into the solar radiation shielding apparatus of Wang et al for its explicit purpose of controlling movement would have been obvious to one of ordinary skill in the art.

The applicant argues that the solar radiation shielding apparatus disclosed by Wang includes friction adjusters 50, 51 and 52 for the purpose of maintaining the slats 21 in a state of equilibrium and not for stopping the lowering of the slat 21 when the solar radiation shielding member collides with an obstacle and for at least this reason Wang fails to disclose any member corresponding to the obstacle detection stopping device of claim 1. The applicant further argues that the solar radiation shielding apparatus disclosed by Ciuca includes an adjustable friction member 80 provided for the purpose of maintaining the slats 18 in a state of equilibrium and not for stopping the lowering of the slat 18 when the slat 18 collides with an obstacle and for at least this

reason Ciuca fails to disclose any member corresponding to the obstacle detection stopping device of claim 1. These arguments are not convincing for in the presence of an obstacle the slats will be stopped because they are in a state of equilibrium.

4. Claims 4,5,7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 13 and 14 are allowed.

6. **THIS ACTION IS MADE FINAL.** The claims of this application for which a request for continued examination (RCE) has been filed may be finally rejected in the action immediately subsequent to the filing of the RCE where all the claims in the application are drawn to the same invention claimed and would have been properly finally rejected on the grounds or art of record in the next Office action if they had been entered in the application prior to the filing of the RCE under 37 CFR 1.114.

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David M. Purol whose telephone number is (571) 272-6833.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Katherine Mitchell, can be reached at (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/David M Purol/
David M Purol
Primary Examiner
Art Unit 3634**